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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING  
FIDELITY NATIONAL TITLE  
COMPANY TO PRODUCE  
DOCUMENTS AND ONE OR MORE  
REPRESENTATIVES FOR  
EXAMINATION PURSUANT TO  
FEDERAL RULE OF  
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Fidelity National Title Company ("Fidelity") to produce documents and one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy

1 Procedure 9016, to appear for examination at the office of Development Specialists, Inc.,  
 2 333 S. Grand Avenue, Suite 4070, Los Angeles, California 90071-1544, on a business day  
 3 no earlier than ten (10) business days after the filing of this Motion and no later than July  
 4 15, 2007, or at such other mutually agreeable location, date, and time, and continuing from  
 5 day to day thereafter until completed.  
 6

7 This Motion is further explained in the following Memorandum.

8  
 9 **Memorandum**

10 The Trust seeks information concerning various transactions between Fidelity  
 11 National and USACM, the other debtors in the above-captioned cases (together with  
 12 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise  
 13 related entities. Fidelity National is one of several title companies that participated in the  
 14 documents of loan transactions between the Debtors and their borrowers. The Trust seeks  
 15 this information from the title companies to assist in the collection of the assets and the  
 16 investigation of the liabilities of the Debtors.  
 17

18 In particular, the Trust will seek the following categories of documents from  
 19 Fidelity National and other title companies:  
 20

- 21 • Closing statements from transactions in which Debtors participated;
- 22 • Purchase contracts, amendments, and assignments from these transactions;
- 23 • Deeds of trust from these transactions;
- 24 • Documents identifying other escrows relating to the properties at issue;
- 25 • Title policies issued in connection with the closing of the transactions in  
 26 which Debtors participated.

1 The requested discovery from Fidelity is within the scope of examination permitted  
2 under Bankruptcy Rule 2004, which includes:

3 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
4 of the debtor, or . . . any matter which may affect the administration of the  
5 debtor's estate, or to the debtor's right to a discharge. In a . . .  
6 reorganization case under chapter 11 of the Code, . . . the examination may  
7 also relate to the operation of any business and the desirability of its  
8 continuance, the source of any money or property acquired or to be acquired  
9 by the debtor for purposes of consummating a plan and the consideration  
10 given or offered therefore, and any other matter relevant to the case or to the  
11 formulation of a plan.<sup>1</sup>

### 12 Conclusion

13 Accordingly, the Movant requests that this Court enter the form of order submitted  
14 with this Motion.

15 Dated: May 25, 2007.

16 **DIAMOND MCCARTHY LLP**

17 **LEWIS AND ROCA LLP**

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<sup>1</sup> FED.R. BANKR. P. 2004(b).